

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,  
INC., a Michigan corporation; PULTE  
DEVELOPMENT NEW MEXICO, INC., a  
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,  
an Ohio corporation; THE CINCINNATI  
INSURANCE COMPANY, an Ohio  
corporation; THE CINCINNATI  
CASUALTY COMPANY, an Ohio  
corporation; HDI GLOBAL SPECIALTY SE  
fka INTERNATIONAL INSURANCE OF  
HANNOVER, a New York corporation;  
SENTINEL INSURANCE COMPANY,  
LTD, a Connecticut corporation;  
GUIDEONE NATIONAL INSURANCE  
COMPANY, an Iowa corporation;  
COLORADO CASUALTY COMPANY, a  
New Hampshire corporation; OHIO  
SECURITY INSURANCE COMPANY, a  
New Hampshire corporation; DONEGAL  
MUTUAL INSURANCE COMPANY fka  
MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY, a Pennsylvania  
corporation; ACE AMERICAN  
INSURANCE COMPANY, a Pennsylvania  
corporation; FIRST MERCURY  
INSURANCE COMPANY, a Delaware  
corporation; CENTURY SURETY  
COMPANY, an Ohio corporation; UNITED  
SPECIALTY INSURANCE COMPANY, a  
Delaware corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
corporation; PELEUS INSURANCE  
COMPANY, a Virginia corporation;  
AMERICAN HALLMARK INSURANCE  
COMPANY OF TEXAS, a Texas  
corporation; CENTRAL MUTUAL  
INSURANCE COMPANY, an Ohio  
corporation; SOUTHERN INSURANCE

**CIVIL NO. 1:22-cv-00388-MV-SCY**

**ORDER GRANTING MOTION TO  
DISMISS PLAINTIFFS' CLAIMS  
AGAINST DEFENDANTS CINCINNATI  
INDEMNITY COMPANY, THE  
CINCINNATI INSURANCE COMPANY,  
THE CINCINNATI CASUALTY  
COMPANY, ACE AMERICAN  
INSURANCE COMPANY, UNITED  
SPECIALTY INSURANCE COMPANY,  
GEMINI INSURANCE COMPANY,  
PELEUS INSURANCE COMPANY, AND  
KNIGHT SPECIALTY INSURANCE  
COMPANY (ECF No. 206)**

COMPANY, a Texas corporation;  
 NATIONAL FIRE INSURANCE  
 COMPANY OF HARTFORD, an Illinois  
 corporation; NATIONAL UNION FIRE  
 INSURANCE COMPANY OF  
 PITTSBURGH, PA, a Pennsylvania  
 corporation; STARR INDEMNITY &  
 LIABILITY COMPANY, a Texas  
 corporation; ENDURANCE AMERICAN  
 INSURANCE COMPANY, a Delaware  
 corporation; CLARENDON NATIONAL  
 INSURANCE COMPANY, as successor in  
 interest by way of merger with Sussex  
 Insurance Company fka as Companion  
 Property and Casualty Insurance Company, a  
 Texas corporation; KNIGHT SPECIALTY  
 INSURANCE COMPANY, a Delaware  
 corporation; FEDERATED MUTUAL  
 INSURANCE COMPANY, a Minnesota  
 corporation,

---

Defendants.

---

AND RELATED COUNTERCLAIM

---

This matter comes before the Court on the Unopposed Motion to Dismiss Plaintiffs' Claims Against Defendants Cincinnati Indemnity Company, The Cincinnati Insurance Company, The Cincinnati Casualty Company, ACE American Insurance Company, United Specialty Insurance Company, Gemini Insurance Company, Peleus Insurance Company, and Knight Specialty Insurance Company, filed on April 22, 2024 (ECF No. 206). The Court finds that the Motion is well-taken and should be granted.


IT IS ORDERED that Plaintiffs' claims against Defendants Cincinnati Indemnity Company, The Cincinnati Insurance Company, The Cincinnati Casualty Company, ACE American Insurance Company, United Specialty Insurance Company, Gemini Insurance Company, Peleus Insurance Company, and Knight Specialty Insurance Company, as asserted in Plaintiffs' Complaint (ECF No. 1), in the instant matter, Case No. 1:22-cv-00388-MV-SCY, shall be dismissed with prejudice pursuant to FRCP 41(a)(1).

///

Each party shall bear their own attorneys' fees and costs.

IT IS FURTHER ORDERED that this case is dismissed.

DATED: April 29, 2024

  
\_\_\_\_\_  
MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE